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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
13

14 UNITED STATES OF AMERICA)

15 v.)

16 DONALD MILLS,)

17 Defendant.)
18

No. 4-12-MJ-70425

STIPULATION AND [PROPOSED]
ORDER DOCUMENTING WAIVER

19 With the agreement of the parties, and with the consent of the defendant, the Court enters
20 this order vacating the preliminary hearing date of July 25, 2012, setting a new preliminary
21 hearing date for August 24, 2012, at 9:30 a.m., before the duty magistrate judge, extending the
22 time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding
23 time under the Speedy Trial Act to August 24, 2012. The parties agree and stipulate, and the
24 Court finds and holds, as follows:

25 1. The defendant, Donald Mills, was charged in a complaint dated April 17, 2012,
26 with one count of conspiring to distribute heroin, in violation of 21 U.S.C. § 846, one count of
27 distribution of heroin, in violation of 21 U.S.C. § 841(a)(1), and being a felon in possession of a
28 firearm, in violation of 18 U.S.C. § 922(g). Mills was arrested and subsequently presented to the

1 Court on or about April 23, 2012. John Paul Reichmuth, Esq., was appointed to represent Mills.
2 Mills was ordered detained pending trial.

3 2. On May 4, 2012, due to a conflict, Mr. Reichmuth withdrew as counsel and
4 Suzanne M. Morris, Esq., was appointed to represent Mills. Since Ms. Mills's appointment, the
5 parties have been trying to resolve this matter prior to the filing of indictment. Although the
6 parties have conferred, and although the Government has voluntarily provided some materials
7 relating to this case for counsel's review, these discussions have not yet been completed.
8 Accordingly, the parties respectfully request that the July 25, 2012 preliminary hearing be
9 continued until August 24, 2012 to allow them additional time to pursue a potential disposition
10 of this matter.

11 3. Taking into the account the public interest in the prompt disposition of criminal
12 cases, the above-stated ground is good cause for extending the time limit for a preliminary
13 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment,
14 and for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny
15 the defense time for effective preparation and representation by seeking disposition of this matter
16 prior to indictment on agreed-upon terms.

17 4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the
18 ~~June 27~~ ^{July 25}, 2012 preliminary hearing date and extends the time for a preliminary hearing until ~~July~~ ^{August}
19 ~~25~~ ²⁴, 2012, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period from
20 today until ~~July 25, 2012~~ ^{Aug. 24, 2012} be excluded from the time period for preliminary hearings under
21 Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C.
22 § 3161.

23 SO STIPULATED:

24 DATED: July 24, 2012

/s/
SUZANNE M. MORRIS, ESQ.
Attorney for DONALD MILLS

26 DATED: July 24, 2012

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

27 IT IS SO ORDERED.

28 DATED: July 24, 2012

HON. DONNA M. RYU
United States Magistrate Judge

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